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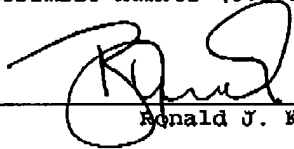
OCT 08 2009

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/743,745 Confirmation No. 9090
Applicant : Shigekazu YASUOKA et al.
Filed : December 24, 2003
TC/A.U. : 1742
Examiner : Jessee Randall Roe
Dkt. No. : SNY-048
Cust. No. : 20374

I hereby certify that this paper is being
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Ronald J. Kubovcik

REQUEST THAT OFFICE CONFIRM CONSIDERATION OF EVIDENCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 8, 2009

Sir:

In the response filed January 21, 2009, to the Final Office
Action dated August 20, 2009, applicants submitted a copy of J.
Japan Inst. Metals, Vol. 69, No. 1 (2005), pp. 170-178, "Crystal
Structure of Hydrogen Storage Alloys, La-Mg-Nix(x=3 ~ 4) System"
(copy enclosed together with an English language abstract thereof)
and a copy of a Fig. 6.2.6.

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PATENT APPLN. NO. 10/743,745
REQUEST THAT OFFICE CONFIRM CONSIDERATION OF EVIDENCE

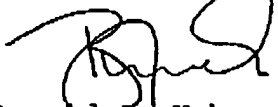
PATENT

The J. Japan Inst. Metals publication was submitted as evidence that when the ratio of B(Ni)/A(La) in an AB type alloy changes, the crystalline structure changes. Fig. 6.2.6 was submitted to illustrate the different crystalline structures of $AB_{x'}$, where x' ranges from 2 to 5.

In the Advisory Action dated January 29, 2009, the Office states: "Applicant's arguments filed 21 January 2009 have been fully considered but they are not persuasive." (Advisory Action, page 2, lines 2 and 3). It is clear, therefore, that the Office considered the evidence submitted with the response on January 21, 2009.

Therefore, the Office is requested to issue a PTOL-90 indicating that the above-identified evidence was considered and, as appropriate, issue a PTO-892 identifying the J. Japan Inst. Metals publication.

Respectfully submitted,
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